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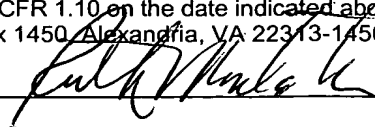
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EXPRESS MAIL No.: EV 304 052 094 US

Date: February 9, 2004

I hereby certify that this correspondence is being deposited with the United States Postal Service Express mail under 37 CFR 1.10 on the date indicated above and is addressed to: Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

 / Ruth Montalvo Date: February 9, 2004

In the event that this paper is late filed and a necessary Petition for an Extension of Time is not concurrently filed herewith, please consider this as a Petition for the requisite extension of time, and to the extent not tendered by check attached hereto, authorization to charge the extension fee, or any other fee required in connection with this paper, to Deposit Account No. 50-1529.

Customer No. 026418

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Docket No. JG-RP-4796CIP-C/500561.20083

Applicant(s): Claudia C. STEWART

Application No.: 10/662,848

Group: 1614

Filed: September 15, 2003

Examiner:

For: METHOD OF ADENOVIRUS, HIV AND HPV PROPHYLAXIS

MAIL STOP MISSING PARTS

Commissioner for Patents  
Alexandria, VA 20231-1450

**PETITION TO THE COMMISSIONER**

Dear Sir:

This is in response to the Notice of Omitted Items in a NonProvisional Application dated December 8, 2003, in which the Examiner asserts that pages 30 and 31 of the specification were omitted. The Applicant contends that the above-noted items were in fact deposited in the U.S. Patent and Trademark Office with the nonprovisional application papers.

Enclosed are the following: a) a copy of the Notice; b) a Declaration in support of this Petition; and c) a copy of the complete continuation application as originally submitted on September 15, 2003, evidencing that the above noted items were deposited.

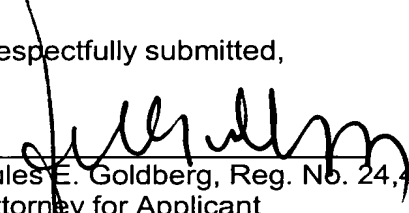
The required petition fee of \$130.00 is also submitted herewith. The Commissioner is hereby authorized to charge any additional fees which may be required or credit any overpayment to Deposit Account No. 50-1529.

02/13/2004 SSITHIB1 00000122 10662848

01 FC:1460

130.00 0P

Respectfully submitted,

  
Jules E. Goldberg, Reg. No. 24,408  
Attorney for Applicant  
Reed Smith LLP  
599 Lexington Avenue, 29<sup>th</sup> Floor  
New York, NY 10022

Enclosures: as noted above

**EXPRESS MAILING CERTIFICATE**

EXPRESS MAIL No.: **EV 304 052 094 US**

Deposited: **Fbruary 9, 2004**

I hereby certify that this correspondence is being deposited with the United States Postal Service Express mail under 37 CFR 1.10 on the date indicated above and is addressed to: Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450



  
Ruth Montalvo

JG-RP-4796CIP-C/500561.20083

Customer No.: **026418**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants: **Claudia C. STEWART**

Art Unit: **1617**

Serial No: **10/662,848**

Examiner:

Filed: **September 15, 2003**

For: **METHOD OF ADENOVIRUS, HIV AND HPV PROPHYLAXIS**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**DECLARATION OF RUTH MONTALVO  
IN SUPPORT OF PETITION**

Ruth Montalvo, hereby solemnly and sincerely declares that:

1. I am a docketing clerk for the firm of Reed Smith LLP formerly McAulay Nissen Goldberg Kiel & Hand, LLP and have been working in that capacity for approximately 12 years.
2. I am principally responsible for sending out all outgoing Patent and Trademark Office mail for all eleven (11) attorneys of this firm including filing all Patent and National Phase applications, etc. to the U.S. Patent and Trademark Office.
3. On September 15, 2003, I received from Mr. Goldberg's secretary for signature of the Express mail certificate for the following:
  - a five month extension of time for 09/611,286;
  - the 1.53(b) continuation transmittal of 09/611,286
  - along with the original application as filed on July 6, 2000;
  - Preliminary Amendment for the continuation;
  - a firm's change of address; and

the checks in the amount of \$985.00 for the extension and \$ 375.00 for the continuation and the postcard.

4. Upon reviewing the proposed continuation application, I made a copy of the original application papers (09/611,286) as follows:  
32 pages of specification, 6 pages of claims, Abstract, Executed Declaration/POA and drawings (Fig. 1).
5. First, I signed the certificate of mailing on the extension of time, continuation transmittal, Preliminary Amendment and change of address; secondly, I made copies of the following: Extension, Continuation transmittal, original application as filed of 09/611,286, Preliminary Amendment, Changes of Address and the postcard with two checks.
6. I then reviewed the original documents, the copies I made, I stapled each document separately, I attached the checks to the Extension of Time and the 1.53(B) Continuation transmittal and then I stapled all the outgoing documents to the postcard, I entered the continuation into our docketing program (Pattsy), I logged in the continuation into our out going log book (Pages 40-41, attached), and I placed the continuation application in the the express mail envelope and I then brought all the out going Patent and Trademark to the post office at 54<sup>th</sup> street and Third Avenue in New York City.
7. I further declare that all statements made herein are of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 to Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent resulting therefrom.

Dated: February 9, 2004

  
Ruth Montalvo

September 12, 2003 Cent'd

7- TIAB

355671.00011 Opposition # 71156935

(Re: 76/438,861) "Technique of Splintering" / "Splintering"

Superseded Est. of term of opposition for an answer and Est. of trial dates w/ Certificate of Service and Transmittal

8- TMC

Cas-108 76/319,436 "STRIP-GRIP"

transmitted Admstr w/ Certified Copy of AT Reg. #199290 w/ English translation thereof

9- Bx Argon

a) 50065, 20195 10/454,117 \$40<sup>00</sup> #7391

PTD-1595 w/ Argument

b) Hy-1079 6,365,997 \$40<sup>00</sup> #7520 10-1619A  
+ Argon in Recordation.

Monday September 15, 2003

1- EU 292 390 384 US

Zei - B014D/C 10/162,091 \$930<sup>00</sup> #7409, 1  
\$180<sup>00</sup> #7403 3m Est of term, Applicant with  
Annotated & Replacement DWS (figs 1-6B + 8A-C),  
9 sheets each, Change of Address and IDS,  
PTD-1449 w/ 2 listed docs.

2- EU 292 390 852 US Bx Pat. Appln

501010, 20857 Emstr (#Changed) Transmittal  
Appln Data Sheet Spec. cl #103/3 Abstract Unsign d/PA  
and DWS (figs 1-14b) and SR per PCT/1002/00204

3- EU 292 390 849 US

Bx Provisional  
501049, 20862 \$160<sup>00</sup> #7401 Emstr, Pro. Novated ©  
and 5 pr of Text including 4 claims.

September 15, 2003 Cont

4- Regular

a) SO1010,20531 (23538,71) 10/070,237 MCLth  
Transmittal, Response to Rest. Reg. and Change of Address  
dated 30 Dec 02.

b) SO1010,20518 (23538,40) 10/053,401 MCLth Transmittal  
Response to Oral Comm., PCT/1PEA/408 29 JUL 03 & PTO 1449

5 - EV 168 022 673 05 Patent Appn

RP 4796CIP 09/611,286 \$985 Sm & H. of time

RP-4796CIP-C 1.53(b) Cont of 09/611,286 \$375<sup>00</sup> #1322

Transmittal sheet, Prel. Amt (re: Cross Ref.) and Copy of  
Parent Appn (Spec, cl. #142, Abstract, Decl/Pf, & DWS  
Change of Address

September 16 2003 Tuesday

1- EV 304 051 187 US

Box Patent Appn

500582,20053 1.53(b) Cont of 09/916,379 \$750<sup>00</sup> #7408

Cont + Fee transmittals Prel. Amt (cl. #1/2), Subst.

Spec and Marked-up versions Copy of Parent Appn as  
filed (Spec, cl. (20), Abstract, Decl/Pf and DWS (17 pgs)

2- EV 304 051 332 US

Box Petition

SR-1000 10/239,611 Transmittal, Suppl Pet. for

Suppression of Rules, In Stratmann ltr to RS 28 JUL 03

and Fg of MPEP 200-6 & 7

3- EV 304 051 346 US

Reg-1113 09/861,130 Suppl IDS, PTO-1449

w/5 listed Refs

4- TMK - Post Reg

Frank T81 "HOMEWORK w/12" Reg No 2188520

\$300<sup>00</sup> #7406, transmittal, Sec. 8/15 Decl w/specimen  
(in envelope)

Cont to next pg →

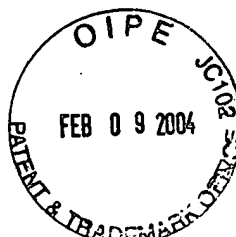


## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/662,848	09/15/2003	Claudia Cherney Stewart	JG-RP-4796CIP-C/500561.20

026418  
 REED SMITH, LLP  
 ATTN: PATENT RECORDS DEPARTMENT  
 599 LEXINGTON AVENUE, 29TH FLOOR  
 NEW YORK, NY 10022-7650



CONFIRMATION NO. 1191

## FORMALITIES LETTER



\*OC000000011438842\*

Date Mailed: 12/08/2003

## NOTICE OF OMITTED ITEM(S) IN A NONPROVISIONAL APPLICATION

## FILED UNDER 37 CFR 1.53(b)

A filing date has been accorded to the above-identified nonprovisional application papers; however, the following item(s) appear to have been omitted from the application:

- o Page(s) **30 & 31** of the specification (description and claims).

I. Should applicant contend that the above-noted omitted item(s) was in fact deposited in the U.S. Patent and Trademark Office (USPTO) with the nonprovisional application papers, a copy of this Notice and a petition (and \$130.00 petition fee (37 CFR 1.17(h))) with evidence of such deposit **must** be filed within **TWO MONTHS** of the date of this Notice. The petition fee will be refunded if it is determined that the item(s) was received by the USPTO.

II. Should applicant desire to supply the omitted item(s) and accept the date that such omitted item(s) was filed in the USPTO as the filing date of the above-identified application, a copy of this Notice, the omitted item(s) (with a supplemental oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such items), and a petition under 37 CFR 1.182 (with the \$130.00 petition fee (37 CFR 1.17(h))) requesting the later filing date **must** be filed within **TWO MONTHS** of the date of this Notice.

Applicant is advised that generally the filing fee required for an application is the filing fee in effect on the filing date accorded the application and that payment of the requisite basic filing fee on a date later than the filing date of the application requires payment of a surcharge (37 CFR 1.16(e)). To avoid processing delays and payment of a surcharge, applicant should submit any balance due for the requisite filing fee based on the later filing date being requested when submitting the omitted item(s) and the petition (and petition fee) requesting the later filing date.

III. The failure to file a petition (and petition fee) under the above options (I) or (II) within **TWO MONTHS** of the date of this Notice (37 CFR 1.181(f)) will be treated as a constructive acceptance by the applicant of the application as deposited in the USPTO. **THIS TWO MONTH PERIOD IS NOT EXTENDABLE UNDER 37 CFR 1.136(a) or (b).** In the absence of a timely filed petition in reply to this Notice, the application will maintain a filing date as of the date of deposit of the application papers in the USPTO, and original application papers (i.e., the original disclosure of the invention) will include only those application papers present in the USPTO on the date of deposit.

In the event that applicant elects not to take action pursuant to options (I) or (II) above (thereby constructively electing option (III)), amendment of the specification to renumber the pages consecutively and cancel incomplete sentences caused by any omitted page(s), and/or amendment of the specification to cancel all references to any

omitted drawing(s), relabel the drawing figures to be numbered consecutively (if necessary), and correct the references in the specification to the drawing figures to correspond with any relabeled drawing figures, is required. A copy of the drawing figures showing the proposed changes in red ink should accompany with any drawing changes. Such amendment and/or correction to the drawing figures, if necessary, should be by way of preliminary amendment submitted prior to the first Office action to avoid delays in the prosecution of the application.

Replies should be mailed to: Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

---

*A copy of this notice MUST be returned with the reply.*

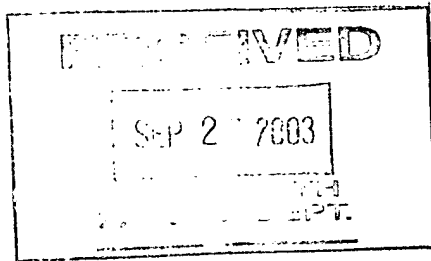
*N. Mohammed*

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE





Express Mail No. EV 168 022 673 US /  
BOX PATENT APPLICATION

09/15/03

JG-RP-4796CIP-C/500561.20083

Claudia C. STEWART

CON Appln. based on

09/611,286 filed July 6, 2000

22151 U.S. PTO

10/662848



09/15/03

This to acknowledge receipt of the following:

Check # 1522 for \$375.00 covering Filing Fee

Change of Address

CON Transmittal

39 pages Spec, Claims & Abstract; 1 sheet of drawings

Preliminary Amendment

Copy of Declaration from parent appln.

Check # 1538 \$985.00 (5 month extension)

Petition for a Five Month Extension of Time.

REED SMITH, LLP

PATENT, TRADEMARK AND COPYRIGHT MATTERS

Customer No.: 026418

599 Lexington Avenue  
New York, NY 10022-7650

Phone: (212) 521-5403

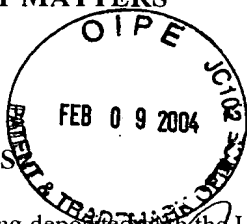
Fax: (212) 521-5450

EXPRESS MAIL No.: EV 168 022 673 US

Deposited: September 15, 2003

I hereby certify that this correspondence is being deposited with the United States Postal Service Express mail under 37 CFR 1.10 on the date indicated above and is addressed to: Assistant Commissioner for Patents, Washington, DC 20231

E-MAIL: REEDSMITH.COM



/ Ruth Montalvo

Assistant Commissioner for Patents  
Washington, DC 20231

Date: September 15, 2003

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

### UTILITY PATENT APPLICATION TRANSMITTAL (Only for new nonprovisional applications under CFR 1.53(b))

Docket No.:	JG-RP-4796CIP-C/500561.20083
Inventor(s):	Claudia C. STEWART
Title:	METHOD OF ADENOVIRUS, HIV AND HPV PROPHYLAXIS
Examiner:	Russell Travers
Group:	1617

#### APPLICATION ELEMENTS (See MPEP chapter 600 concerning utility patent application contents)

- ☒ 1. Fee Transmittal Form (attachment)
- ☒ 2. Specification, Claims, Abstract [Total pages 39]
- ☒ 3. Drawing(s) (35 USC 113) [Total sheets 1]
- ☒ 4. Oath or Declaration
- ☐ a. Newly executed (original or copy)
- ☒ b. Copy from a prior application (37 CFR 1.63(d))  
(For continuation/divisional with box 17 completed)
- ☐ i. DELETION OF INVENTOR(S)  
Signed statement attached deleting inventor(s) named  
in the Prior application see 37 CFR 1.63(d)(2) & 1.33(b).
- ☒ 5. Incorporation by Reference (useable if Box 4b is checked) The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 4b, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.
- ☐ 6. Microfiche Computer Program (Appendix)
- ☐ 7. Nucleotide and/or Amino Acid Sequence Submission (If applicable, all necessary)
- ☐ a. Computer Readable Copy
- ☐ b. Paper Copy (identical to computer copy)

**ACCOMPANYING APPLICATION PARTS**

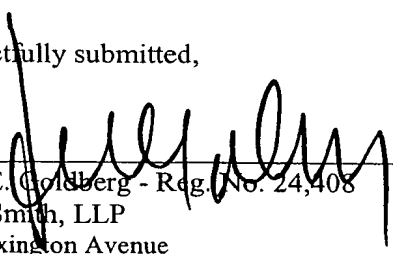
- ☐ 8. Assignment Papers (cover sheet (PTO-1595) and document(s))
- ☐ 9. 37 CFR 3.73(b) Statement ☐ Power of Attorney  
(when there is a assignee)
- ☐ 10. English Translation Document (if applicable)
- ☐ 11. Information Disclosure Statement ☐ Copies of IDS citations (refs.)  
(IDS) and PTO-1449
- ☒ 12. Preliminary Amendment
- ☒ 13. Return Receipt Postcard (MPEP 503) (should be specifically itemized)
- ☒ 14. Small Entity Statement ☒ Statement filed in prior  
application, Status still proper  
and desired
- ☐ 15. Certified Copy of Priority Document(s)  
(if foreign priority is claimed)
- ☒ 16. Other: CHANGE OF ADDRESS
- ☒ 17. If a CONTINUING APPLICATION, check appropriate box and supply the requisite  
information below and in a preliminary amendment:  
☒ Continuation ☐ Divisional ☐ Continuation-In-Part (CIP)  
of prior CIP application No. 09/611,286 filed July 6, 2000 which claims priority  
from U.S. application No. 09/330,629 filed on June 11, 1999 which claims the  
benefit of priority of U.S. Provisional Application Nos. 60/142,480 filed July 6,  
1999 and 60/142,577, filed on July 7, 1999.

Prior application information: Examiner Russell Travers Group: 1617

- ☒ 18. **CORRESPONDENCE ADDRESS**

Please direct all communications to Jules E. Goldberg at  
the offices of Reed Smith, LLP  
599 Lexington Avenue, 29<sup>th</sup> Floor, New York, NY 10022, (212) 521-5403.

Respectfully submitted,

  
\_\_\_\_\_  
Jules E. Goldberg - Reg. No. 24,408  
Reed Smith, LLP  
599 Lexington Avenue  
New York, NY 10022

Tel. (212) 521-5403

# Fee Transmittal Form

Docket No.:	JG-RP-4796CIP-C/500561.20083
Inventor(s):	Claudia C. STEWART
Title:	METHOD OF ADENOVIRUS, HIV AND HPV PROPHYLAXIS
Examiner:	Russell Travers
Group:	1617

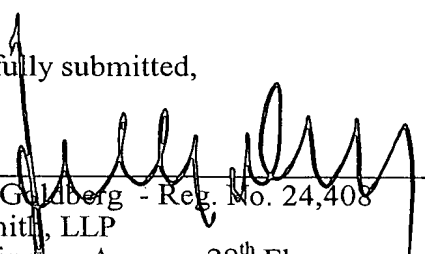
## THE FILING FEE HAS BEEN CALCULATED AS SHOWN BELOW:

	Claims Filed		Extra	SMALL \$ 375.00	LARGE \$ 750.00	AMOUNT \$ 375.00
Total Claims	12	Minus 20		x \$ 9.00	x \$ 18.00	\$ .00
Independent	1	Minus 03	0	x \$ 42.00	x \$ 84.00	\$ .00
( ) Multiple dependent claim fee				+ \$ 140.00	+ \$ 280.00	\$ .00
( ) Non-English specification 37 CFR 1.17(k) fee (+ \$130.00):						\$ .00
Assignment recordation fee (\$ 40.00):						\$ .00
<b>CHECK ENCLOSED:</b>						<b>\$ 375.00</b>

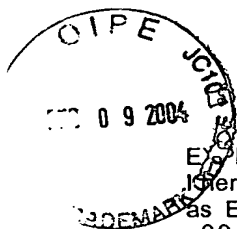
X The Commissioner is hereby authorized to charge any additional fees or credit any overpayment associated with the filing of this paper to Deposit Account No. 50-1529.

- a. X Fees required under 37 C.F.R. 1.16.
- b. X Fees required under 37 C.F.R. 1.17.
- c. X Fees required under 37 C.F.R. 118.

Respectfully submitted,

  
 \_\_\_\_\_  
 Jules E. Goldberg - Reg. No. 24,408  
 Reed Smith, LLP  
 599 Lexington Avenue, 29<sup>th</sup> Floor  
 New York, NY 10022

Tel. (212) 521-5403



EXPRESS MAIL CERTIFICATE - LABEL NO EL 168 022 713 US

I hereby certify that this correspondence is being deposited with the United States EXPRESS MAIL Service as Express Mail in an envelop addressed to: Commissioner for Patents, Washington, D. C. 20231, on 09/15/03

By: Ruth Montalvo  
Ruth Montalvo

Date: 09/15/03

In the event that this paper is late filed and a necessary Petition for an Extension of Time is not concurrently filed herewith, please consider this as a Petition for the requisite extension of time, and to the extent not tendered by check attached hereto, authorization to charge the extension fee.

JG-RP-4796CIP-C/500561.20083

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Claudia Cherney STEWART

Group: 1617

Serial No.: not yet assigned

Examiner: Russell Travers

Filing Date: herewith

Customer No: 026418

For: METHOD OF ADENOVIRUS HIV AND HPV PROPHYLAXIS

Commissioner for Patents  
Washington, D. C. 20231

**PRELIMINARY AMENDMENT**

Sir:

Prior to examination of the above-identified application on the merits, please amend the above-identified application as follows:

**IN THE SPECIFICATION**

On page 1, after "CROSS REFERENCE TO RELATED APPLICATIONS", and before the first sentence please add the following:

--This application is a continuation application of U.S. Patent Application serial no. 09/611,286 filed July 6, 2000 which is a continuation-in-part application of 09/330,629 filed on June 11, 1999 which claims the benefit of priority of U.S. Provisional application Nos. 60/142,480, filed on July 6, 1999 and 60/142,577 filed on July 7, 1999, the complete disclosures of which are incorporated herein by reference.--

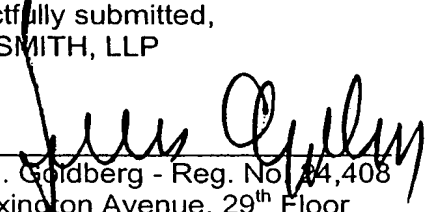
**IN THE CLAIMS**

Please cancel claims 13-21.

**REMARKS**

The above amendment is submitted to include the cross-referencing of the prior applications. No new matter has been added by this amendment. Accordingly, entry thereof is requested.

Respectfully submitted,  
REED SMITH, LLP

By:   
Jules E. Goldberg - Reg. No. 24,408  
599 Lexington Avenue, 29<sup>th</sup> Floor  
New York, NY 10022  
Tel. (212) 521-5403

JEG:dej



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Claudia C. Stewart

Serial No.: not yet assigned

Filed: filed herewith

Entitled: METHOD OF ADENOVIRUS, HIV  
AND HPV PROPHYLAXIS

ATTN: **Russell Travers**

Atty. Docket No.:  
JG-RP-4796CIP-C/500561.20083

**CHANGE OF ADDRESS**

Commissioner for Patents  
Washington, DC 20231

Dear Sir:

Please send all correspondence for this application to the following new  
address:

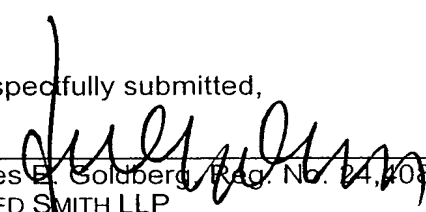
Jules E. Goldberg, Esq.  
REED SMITH LLP  
599 Lexington Avenue, 29<sup>th</sup> Floor  
New York, New York 10022  
**CUSTOMER NO.: 026418**

Please direct all telephone calls to:

Jules E. Goldberg, Esq.  
(212) 521-5403

Dated: February 13, 2003

Respectfully submitted,

  
Jules E. Goldberg, Esq. Reg. No. 24,408  
REED SMITH LLP  
599 Lexington Avenue, 29<sup>th</sup> Fl.  
New York, New York 10022  
Attorney for Applicant

**CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.10**

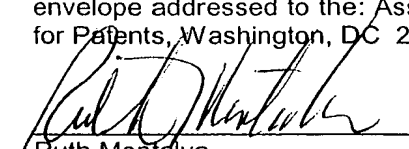
I hereby certify that this paper (along with any referred to as being attached or enclosed) is being

**MAILED**

☒ deposited with the United States EXPRESS MAIL  
Service on February 13, 2003 with sufficient postage  
as EXPRESS MAIL NO. EV168022673US in an  
envelope addressed to the: Assistant Commissioner  
for Patents, Washington, DC 20231

**FACSIMILE**

☐ transmitted by facsimile on \_\_\_\_\_ to the U.S.  
Patent and Trademark Office.

  
Ruth Montalvo

\_\_\_\_\_  
(Signature of person mailing paper or fee)

**EXPRESS MAILING CERTIFICATE**

EXPRESS MAIL No.: EV 168 022 673 US

Deposited: **September 15, 2003**

I hereby certify that this correspondence is being deposited with the United States Postal Service Express mail under 37 CFR 1.10 on the date indicated above and is addressed to: Commissioner for Patents, PO Box 1450; Alexandria, VA, 22313-1450.



  
Ruth Montalvo

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Customer No. 026418

Docket No.: JG-RP-4796CIP/500561.20011

Applicant(s): Claudia C. Stewart

Application No.: 09/611,286

Group: 1617

Filed: July 6, 2000

Examiner: Russell Travers

For: METHOD OF ADENOVIRUS, HIV AND HPV  
PROPHYLAXIS

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

**PETITION FOR FIVE MONTH EXTENSION**

Sir:

Applicants hereby petition for a five-month extension of time. Enclosed is a check in the amount of \$985.00.

The Commissioner is hereby authorized to charge any additional fees which may be required or credit any overpayment to Deposit Account No. 50-1529.

Respectfully submitted,

REED SMITH, LLP



By:  
Jules E. Goldberg - Reg. No. 24,408  
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